

**MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
REGIONAL COUNCIL MEETING**

April 26, 2000
MAG Office, Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

Mayor Neil Giuliano, Tempe, Chairman	Councilmember Keno Hawker for Mayor
Mayor Ron Drake, Avondale	Wayne Brown, Mesa
Mayor Dusty Hull, Buckeye	Mayor Edward Lowry, Paradise Valley
* Mayor Edward Morgan, Carefree	Mayor John Keegan, Peoria
* Mayor Vincent Francia, Cave Creek	Mayor Skip Rimsza, Phoenix
Councilmember Boyd Dunn for Mayor Jay	* Mayor Mark Schnepf, Queen Creek
Tibshraeny, Chandler	* President Ivan Makil, Salt River Pima-Maricopa
Mayor Cel Arias, El Mirage	Indian Community
* Mayor Sharon Morgan, Fountain Hills	Mayor Sam Campana, Scottsdale
* Mayor Chuck Turner, Gila Bend	Mayor Joan Shafer, Surprise
Governor Donald Antone, Gila River Indian	* Mayor Adolfo Gamez, Tolleson
Community	Councilmember Lon McDermott for Mayor
Mayor Cynthia Dunham, Gilbert	Dallas Gant, Wickenburg
* Mayor Elaine Scruggs, Glendale	Mayor Eugene Russell, Youngtown
Mayor Bill Arnold, Goodyear	* F. Rockne Arnett, ADOT
Councilmember Margarita Garcia, Guadalupe	Mayor Dallas Gant, ADOT
Mayor Colin Barleycorn, Litchfield Park	Bill Beyer, Citizens Transportation Oversight
Supervisor Andy Kunasek, Maricopa County	Committee

*Those members neither present nor represented by proxy.

1. **Call to Order**

The meeting of the Regional Council was called to order by Chairman Neil Giuliano at 5:00 p.m.

2. **Pledge of Allegiance**

Chairman Giuliano introduced and welcomed Governor Donald Antone from the Gila River Indian Community to the Regional Council meeting. He presented Governor Antone with his Regional Council membership certificate.

Chairman Giuliano introduced proxies, Councilmember Boyd Dunn for Mayor Jay Tibshraeny from Chandler, Councilmember Keno Hawker for Mayor Wayne Brown from Mesa, and Councilmember Lon McDermott for Mayor Dallas Gant from Wickenburg.

Chairman Giuliano announced that the RPTA has generously agreed to provide transit tickets for individuals who use the bus to get to the Regional Council meeting. He stated that tickets are available following the meeting from Ken Driggs of the RPTA.

4. Call to the Audience

This agenda item was taken out of order.

Chairman Giuliano noted that we have a timer to assist the public with their presentations, which have a three minute time limit. When two minutes have elapsed, the yellow light will come on notifying the speaker that they have one minute to sum up. He said that at the end of the three minute time period, the red light will come on. Members of the audience who wish to speak fill out a card and give it to the MAG staff who will bring it to the Chairman.

Chairman Giuliano stated that public comment is provided at the beginning of the meeting for non-agenda items. He indicated that for the action items on the agenda, public comment will be taken when the item is heard. Public comments are limited to three minutes. Chairman Giuliano noted that no public comment cards on non-agenda items had been turned in.

5. Executive Director's Report

This agenda item was taken out of order.

James M. Bourey stated that the first ever Statewide Clean Cities Forum was held on April 25, 2000 at the Mesa Community and Conference Center. Mr. Bourey expressed appreciation to Councilmember Keno Hawker for his presentation at the Forum. He stated that House Speaker, Representative Jeff Groscost, gave the keynote address. Mr. Bourey stated that excellent response by sponsors facilitated a reduction in the registration fee. He noted that the Forum received extensive media coverage.

Mr. Bourey indicated that EPA had lifted the two to one offset sanctions in early April with the publication of the Notice of Intent to approve our PM-10 Plan.

Mr. Bourey stated that MAG hosted the annual Intermodal Planning Group (IPG) meeting on April 5, 2000. He stated that the IPG is a gathering of agencies involved in the review of our planning process. Mr. Bourey explained that MAG goes through a certification process occurs every three years, which will take place again next year. He remarked that it was a very positive meeting.

Mr. Bourey introduced a new MAG employee, Shawn Krill, Senior Accountant. Mr. Krill received his Bachelor's degree from Northern Arizona University and is skilled in accounting and automated systems.

Mr. Bourey stated that a map and chart indicating initial response rates for Census 2000 were at each place. He said that enumerators will be in the field tomorrow following up on those households that have not responded to the Census. Mr. Bourey stated that funding is available for communities from the State for specific Census activities that would increase response rates. He indicated that information on this funding and an application were at each place. Applications are due by May 3, 2000. Mr. Bourey stated that there has been controversy about questions on the long Census form. He noted that an explanation of reasons for these questions was at each place.

Chairman Giuliano thanked Mr. Bourey for his report and asked if there were any questions.

3. Approval of March 22, 2000 Meeting Minutes

This agenda item was taken out of order.

Chairman Giuliano asked if there were any corrections to the minutes of the March 22, 2000 meeting. Hearing none, he asked for a motion to approve.

Mayor John Keegan moved, Mayor Colin Barleycom seconded, and it was unanimously carried to approve the minutes of the March 22, 2000 meeting, as written.

6. Approval of Consent Agenda

Chairman Giuliano stated that agenda items #7, #8, #9, and #10 were on the consent agenda. Chairman Giuliano noted that no public comment cards had been turned in. He asked if any member requested that a consent agenda item be heard. Hearing no requests, he asked for a motion to approve.

Mayor Joan Shafer moved to approve consent agenda items #7, #8, #9, and #10. Bill Beyer seconded, and the motion was unanimously carried.

7. Amendment to the FY 2000-2004 MAG Transportation Improvement Program to Accelerate the Design, Acquisition of Right of Way and Construction of the Santan/I-10 Traffic Interchange, Phase I (Pecos Road) Project from FY 2002 and 2003 to FY 2000

The Regional Council, by consent, approved amending the FY 2000-2004 MAG Transportation Improvement Program to include 202L Santan Freeway: Santan/I-10 TI, Phase I, Pecos Road Connection; Design TI Ramps; 202L Santan Freeway: Santan/I-10 TI, Phase I, Pecos Road Connection; Acquire Right of Way; and 202L In February 1999, the Regional Council approved the City of Phoenix proposal to advance the completion of the Santan/I-10 Traffic Interchange, Phase I (Pecos Road) Project from FY 2002 to FY 2000. Under this proposal, the City of Phoenix would lend the Program the necessary funds to advance right of way, design and construction to meet the June 2001 completion date. Phoenix would pay a portion of the interest expense of the GAN based on the MAG Loan Policy and Guidelines. On June 9, 1999, the Regional Council approved the FY 2000-2004 MAG Transportation Improvement Program (TIP). On March 13, 2000, ADOT and Phoenix finalized the GAN financing agreement. It is now necessary to amend the FY 2000-2004 MAG TIP to include the three projects with the accelerated date. Due to the project not being open to traffic until FY 2002, there are no Air Quality Conformity analysis impacts. The Management Committee recommended approving the amendment to the TIP to include the project.

8. Amendment to the FY 2000-2004 MAG Transportation Improvement Program to Include Funding for the 2000 Summer Ozone Education Program

The Regional Council, by consent, approved amending the FY 2000-2004 MAG Transportation Improvement Program to include \$300,000 for the FY 2000 Summer Ozone Education Program, using Congestion Mitigation Air Quality Improvement funds from the close out of the FY 2000 MAG federal program. In the summer of 1999, MAG and the Regional Public Transportation Authority in a partnership with the business community, conducted a Summer Ozone Education Program. This program is important to help this region have no exceedances of the ozone standard for the fourth consecutive year. In February 2000, the Regional Council approved an amendment to the FY 2000-

2004 MAG Unified Planning Work Program and Annual Budget to include \$300,000 for the Summer Ozone Education Program. It was thought at that time that the funding for this program was included in the FY 2000-2004 MAG Transportation Improvement Program. We have since found that this funding was inadvertently omitted from the TIP and it is now necessary to amend the TIP to include the funds. Congestion Mitigation Air Quality (CMAQ) funds are available from the closeout of the FY 2000-2004 MAG TIP. These funds will be used by the Regional Public Transportation Authority to conduct the program in partnership with the business community. The Management Committee recommended amending the TIP to include the Summer Ozone Education Program.

9. Consultation on Conformity Assessment for an Amendment to the FY 2000-2004 MAG Transportation Improvement Program

An amendment to the FY 2000-2004 MAG Transportation Improvement Program (TIP) is necessary to add the Summer Ozone Education Program project for FY 2000. The estimated federal cost of the project is \$300,000 in available Congestion Mitigation Air Quality (CMAQ) funds. In addition, the City of Phoenix, in conjunction with ADOT, has requested to advance the design, acquisition of right of way, and construction of the Santan/I-10 Traffic Interchange, Phase I (Pecos Road) from FY 2002 and FY 2003 to FY 2000 in the FY 2000-2004 MAG TIP. This facility is scheduled to be open to traffic in FY 2002. MAG has reviewed the projects for compliance with the federal conformity rule (40 CFR Parts 51 and 93) and found that the project changes require consultation on the conformity assessment. The Summer Ozone Education Program project may be categorized as exempt, for which conformity determinations are not required. The proposed Santan/I-10 Traffic Interchange minor project revisions may be characterized as administrative adjustments for which a conformity determination is not required. The current conformity finding of the TIP and the associated Long Range Transportation Plan Summary that was made jointly by the Federal Highway Administration and Federal Transit Administration in a letter dated June 10, 1999, would be unchanged by these actions.

10. Amendment of the FY 2000 MAG Unified Planning Work Program and Annual Budget to Include the Transportation and Community and System Preservation Program Regional Growing Smarter Implementation Plan

The Regional Council, by consent, approved amending the FY 2000 MAG Unified Planning Work Program and Annual Budget to include the Transportation and Community and System Preservation Program Regional Growing Smarter Implementation Plan for an amount of \$295,000, and that the Management Committee should further monitor the effort of the planning team to ensure that previous and current planning efforts are unified in the implementation of the grant and to assist MAG in the implementation of the project. In July 1999, MAG applied for a Transportation and Community and System Preservation Program grant to assist the MAG member agencies in the implementation of the Governor's Growing Smarter initiative. We have recently been informed that we have been successful with this grant application and will receive \$295,000. The grant proposal includes the formation of a planning team of local government senior planning staff. This team will meet regularly to address some of the technical aspects of the project. In addition, MAG will assist cities in support of the growing smarter requirements. In addition, MAG will create tools and techniques specific to the implementation of Growing Smarter to help analyze the impacts of growth. We are also anticipating that this planning effort will be closely integrated with the development of the new regional transportation plan. The Management Committee recommended amending the Unified Planning Work Program and Annual Budget to include the grant.

11. Requested Change to the MAG Regional Freeway Program to Add a Project for State Route 51

Eric Anderson stated that the Arizona Department of Transportation has requested that a new construction project for the Sweetwater to Greenway Road segment of State Route 51 be added to the MAG Regional Freeway Program. He said that the new project is exempt from conformity requirements and is needed so that necessary noise mitigation and other changes can be made to this segment which opened to traffic in June 1999. Mr. Anderson explained that to ensure each completed construction project meets noise mitigation and other objectives, ADOT monitors conditions once a new segment opens. If the noise readings exceed the maximum decibel level in the ADOT noise policy and if the neighborhoods were developed before date of public knowledge, then ADOT pursues additional noise mitigation. He said that based on monitoring along the Sweetwater to Greenway Road segment of SR51, ADOT determined that some of the noise walls need to be extended and the construction of new walls in some locations is needed to mitigate the noise levels to meet the federal noise standard. Mr. Anderson noted that minor drainage improvements, the widening of one of the Bell Road ramps, and minor sidewalk and curb work are needed. Mr. Anderson stated that ADOT estimates that the cost of these improvements is \$1.83 million.

Mayor Rimsza stated that due to the additional costs incurred by retrofitting, the minimum standards for mitigation need to be examined. Mr. Anderson stated that ADOT recently revised their noise abatement policy by lowering the decibel range and assumed an operating speed from 55 mph to 65 mph. He noted that these two changes should address concerns raised by Mayor Rimsza. Mayor Rimsza commented that changing the operating speed is the right direction, but expressed concern over lowering the decibel level. He stated that factoring in as much noise level as possible would be a more conservative approach to help ensure avoiding a retrofit.

Mayor Rimsza moved, Mayor Keegan seconded, and it was unanimously carried to approve the request to add the exempt Greenway to Sweetwater Road noise wall project to the Regional Freeway Program.

12. Acceleration of State Route 51 Freeway From Union Hills to the Pima Freeway

Eric Anderson stated that the City of Phoenix has requested that the segment of State Route 51 connecting Union Hills to the Pima Freeway, be completed on an accelerated basis so that it is completed at the same time as the Bell Road to Union Hills project, in December 2003 instead of June 2005. The estimated construction cost of this segment is \$15.2 million. Phoenix has applied for a loan from the Highway Expansion and Extension Loan Program (HELP) to provide the necessary financing for this project. The HELP technical advisory committee has tentatively approved the financing. Phoenix would be responsible for its share of the interest expense as provided for by the MAG Freeway Acceleration Policy. The City's share of the interest is estimated to be \$597,500. The Regional Freeway Program will pay the balance of the interest, which is estimated to be \$464,765. If revenues are higher or lower than anticipated, the repayment to Phoenix would be adjusted accordingly so that no other projects in the program are affected. Chairman Giuliano thanked Mr. Anderson for his presentation and asked if there were any questions.

Mayor Rimsza moved, Mayor Keegan seconded, and it was unanimously carried to approve the requested acceleration of the Union Hills to the Pima Freeway segment of State Route 51 in the Draft FY 2001-2005 MAG Transportation Improvement Program using a loan from the Highway Expansion and Extension Loan Program.

13. Status Report on the MAG Regional Aviation System Plan Update

Harry Wolfe stated that the Regional Council approved amending the MAG Unified Planning Work Program to include funding from the Federal Aviation Administration for the update of the MAG Regional Aviation System Plan (RASP). He said that two proposals were received in response to a Request for Proposals issued by MAG in February 2000. Mr. Wolfe stated that neither of the proposals was deemed to be responsive by a multiagency review group comprised of technical staff of MAG member agencies. Mr. Wolfe stated that the RFP was then reissued in March with clarifying language and more detail on the data available for the project. He said that MAG received proposals from Michael Baker Jr. Inc, and GRW Willis. On March 31, 2000, the MAG RASP Consultant Review Group interviewed the two firms and recommended that GRW Willis be selected, subject to certain conditions. Mr. Wolfe stated that the conditions were that GRW Willis more clearly define the methods used to analyze airspace and avoid airspace conflicts; ensure that adequate graphics are incorporated into the MAG RASP documents in order to make the documents more presentable, and more clearly define the tasks to be undertaken in the MAG RASP Update and ensure that the consultant team tailor its approach to our region.

Mr. Wolfe stated that the MAG RASP Policy Committee met on April 3, 2000 a meeting of was convened to consider the recommendation. He said that because a quorum was not achieved, no action was taken. Mr. Wolfe stated that those in attendance agreed that MAG solicit additional input on the scope of work and draft a set of study assumptions that would serve as the basic framework for the RASP Update. These assumptions would be circulated among members of the MAG RASP Policy Committee as well as with technical staff for review and input. Discussions with the consultant on the scope of work are proceeding and a recommendation is expected after the RASP Committee meeting in May. Mr. Wolfe stated that at the Management Committee meeting, a request was made that the previous history of agreements regarding eastbound departures from Sky Harbor flying to the beacon be considered in the Regional Aviation System Plan Update.

Chairman Giuliano asked if the time frame was consistent with expectations. Mr. Wolfe replied that the schedule had been slightly delayed, but the delay was worth ensuring the capability of the consultant. He indicated the possibility that a Request for Qualifications could be issued, in the event that conditions are not met by the consultant. Chairman Giuliano thanked Mr. Wolfe for his presentation and asked if there were any questions.

14. Desert Spaces Plan Implementation Task Force Draft Final Report

Chairman Giuliano recognized public comment from Christine Sheehy, who stated that she is the Director of Land Planning for Del Webb Corporation. Ms. Sheehy thanked the body for the opportunity to comment on agenda items #14 and #15. She stated that she was unaware of the reports until this year. Ms. Sheehy stated that she had been working with homebuilders to consolidate their comments to the report. She stated that Jim Burke, Chairman of the MAG Desert Spaces Plan Implementation Task Force, indicated that he would not be willing to further revise the documents because a lengthy review process had already taken place. Ms. Sheehy said that he also indicated that the documents were guidelines only and not regulatory. Ms. Sheehy stated that, in her experience, this type of document takes on a life of its own, even though it is not a law. She mentioned previous experiences in this situation using the Anthem project as an example. Ms. Sheehy expressed concern with some of the guidelines in the documents, if they would be used by staff in review of plans. She explained about restricting development in the buffer areas. Ms. Sheehy stated that homebuilders are

not opposed to the design guidelines, but more consideration is needed in regard to the application. Chairman Giuliano thanked Ms. Sheehy for her comments.

Chairman Giuliano recognized public comment on agenda items #14 and #15 from Rus Brock, from the Homebuilder's Association. Mr. Brock expressed concern about review of the Implementation Plan and there had not been ample opportunity to review the Environmentally Sensitive Development Areas Policies and Design Guidelines. Mr. Brock stated that he had responded in May 1999 with comments on the Environmentally Sensitive Development Areas Policies and Design Guidelines. He indicated that he had informed Mr. Burke at that time that he would assemble a development group to work with the Task Force on the development group's issues. He stated that he had submitted comments to Mr. Burke on June 8, 1999. Mr. Brock stated that the stakeholders were included in the review process, but the list of stakeholders does not include developers. He requested the opportunity to present the homebuilders' concerns. Chairman Giuliano thanked Mr. Brock for his comments.

Corey Cox stated that the Desert Spaces Plan Implementation Task Force was formed in 1996 to carry out the goals identified in the Desert Spaces Plan, which was adopted by the Regional Council in 1995. Ms. Cox stated that the Task Force's mission was to develop supportable actions to create a contiguous open space system that sets priorities and identifies processes to implement the Plan. She said that the Task Force was requesting that the Final Report be approved. The recommendations of the Task Force include the following; (1) Formation of a citizen's committee to provide leadership for the implementation of the Plan; (2) Disseminate the policies and guidelines for environmentally sensitive development areas and work with affected groups to implement the policies and guidelines; (3) Use the Desert Spaces Plan in commenting on proposed local, state and federal land use decisions; (4) Seek funding sources to acquire, protect and maintain region-wide conservation areas identified in the Desert Spaces Plan and (5) Support implementation of the Plan through a variety of methods.

Mayor Keegan asked if it would be detrimental to delay approval of the reports for 60 days to allow one more review, in light of the concerns expressed by the development community. Ms. Cox replied that it would not be detrimental, but would delay implementation. She noted that a representative from Valley Partnership represented the development community on the Task Force and on the Subcommittee. Ms. Cox stated that Mr. Brock's comments had been incorporated into the final ESDA document.

Councilmember Keno Hawker asked for clarification of the buffer zones in proximity to conservation areas. Ms. Cox replied that the Task Force and the Subcommittee both felt that these zones are the key to conservation. Councilmember Hawker asked if the number of acres represented by these buffer zones had been mapped. He commented that a delay could be warranted until a map could be drafted. Mr. Bourey noted that staff would draft the requested map. Chairman Giuliano requested that a meeting be arranged to further discuss the development community's issues and concerns.

Mayor Rimsza requested that approval of the reports be delayed 30 days, instead of 60 days, in order to facilitate the important implementation of the guidelines.

Mayor Colin Barleycorn moved to continue consideration of the approval of the Desert Spaces Plan Implementation Task Force Draft Final Report until the following Regional Council meeting. Supervisor Andy Kunasek seconded, and the motion unanimously carried.

15. Environmentally Sensitive Development Areas Policies and Design Guidelines

Chairman Giuliano recognized public comment from Greg Keller, Project Manager for the Arizona State Land Department. Mr. Keller stated that Mike Annabel, the State Land Commissioner, requested that he attend the meeting to comment on the Environmentally Sensitive Development Areas Policies and Design Guidelines. He said that the draft policies run counter to the State Land Department's recently mandated mission to prepare conceptual plans for State lands. Mr. Keller stated that it is anticipated that \$500,000 would be spent this year to formulate a conceptual plan for almost 160,000 acres of State Trust land. The plans will result from the analysis of 21 data sets. Mr. Keller noted that policy number 7.1.B.4 on page 48 of the document is the most detrimental. He noted that the 'one size fits all' language regarding development within one mile wide bands adjacent to conservation areas would negate much of the conceptual planning done by the Department. Mr. Keller stated that the language is also detrimental to dealing with the real impact of growth and does not provide owners the opportunity to master plan parcels. Mr. Keller stated that the Land Commissioner requests that this policy be deleted. He requested additional time for review of the report. Chairman Giuliano thanked Mr. Keller for his comments.

Chairman Giuliano recognized public comment from Mr. Brock, who stated that his comments had been made during the previous agenda item. He requested a 30 day continuation in order to work on the guidelines. Chairman Giuliano thanked Mr. Brock for his comments.

Chairman Giuliano recognized public comment from Laurel Arndt, who stated she is a member of the Ahwatukee Planning Commission. Ms. Arndt urged that action be taken quickly on approving the report. She applauded the steps taken in the Environmentally Sensitive Development Areas Policies and Design Guidelines. Ms. Arndt stated that it is meaningful to have the guidelines in place since none presently exist. She said their Planning Commission has requested the City of Phoenix Parks Department to work with them to get the guidelines in place. Ms. Arndt stated that buffers and washes are integral parts of open spaces. The guidelines will give cities a base to work from. Ms. Arndt noted that the public values open space and have indicated their position by their vote. Chairman Giuliano thanked Ms. Arndt for her comments.

Mayor Rimsza asked Ms. Arndt if the 30 day delay would be acceptable. Ms. Arndt replied that a 30 day delay would be appropriate, but a 60 day delay would be too long.

Mayor Barleycorn moved to continue consideration of the approval of the Environmentally Sensitive Development Areas Policies and Design Guidelines until the following Regional Council meeting. Supervisor Kunasek seconded.

Before a vote was taken, Mayor Rimsza indicated that it is important to approve the guidelines in 30 days. He stated that local jurisdictions will adopt these guidelines in their own format.

Chairman Giuliano asked for a vote on the motion to continue consideration of the approval of the Environmentally Sensitive Development Areas Policies and Design Guidelines until the following Regional Council meeting. The motion unanimously carried.

16. Announcement of Appointments to the MAG Nominating Committee

Chairman Giuliano stated that the former Regional Council Chairman usually serves as Chairman of the MAG Nominating Committee. However, Mayor Scruggs, as former Chairman, requested that

another Nominating Committee Chair be assigned. He announced Mayor Sam Campana, Scottsdale, had been appointed Chair of the Nominating Committee. Chairman Giuliano announced that Mayor Vincent Francia, Cave Creek, Mayor Cynthia Dunham, Gilbert, Mayor Colin Barleycorn, Litchfield Park, and Mayor Adolfo Gamez, Tolleson, will also serve on the Committee. Chairman Giuliano stated that those interested in being nominated by the Committee should contact the Chairman or a member of the Nominating Committee. He stated that a memorandum on the Nominating Committee was at each place.

17. Annual Evaluation of the MAG Executive Director

Supervisor Kunasek moved to recess the meeting to conduct an executive session and to reconvene the meeting for possible action on matters relating to the salary review of the MAG Executive Director. Mayor Barleycorn seconded and the motion unanimously carried. The authority for such an executive session is A.R.S. §38-431.03(A)(1). The Regional Council meeting recessed at 5:45 p.m.

The Regional Council meeting reconvened at 6:25 p.m.

Chairman Giuliano stated that the Regional Council had received an action plan from Mr. Bourey and had discussed his performance review. Mayor Rimsza moved to increase Mr. Bourey's salary by three percent. He indicated that the pay package base would be subject to the discretion of Mr. Bourey and requested that Tempe review the package. He indicated that the increase was effective on Mr. Bourey's anniversary date. Mayor Barleycorn seconded, and the motion unanimously carried.

Chairman Giuliano announced that a dinner for the members of the Regional Council and their staff who have confirmed their dinner reservations will be held in the MAG offices on the third floor.

Mayor Shafer introduced Bill Pupo, the new Manager for the City of Surprise. Mr. Pupo recently served as City Manager in Spokane, WA.

There being no further business, the meeting was adjourned at 6:30 p.m.

Chairman

Secretary